

REMARKS

[0003] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-2, 4, 9-15, 17-20, 24-28, 31, 33, and 35-38 are presently pending. Claims 1-2, 4, 9-15, 20, 24-28, 31, 33, and 35-38 are amended herein. Claims 3, 5, and 7-8 are newly withdrawn or cancelled herein. No new claims are added herein.

Statement of Substance of Interview

[0005] The Examiner graciously talked with me—the undersigned representative for the Applicant—on Thursday, August 14, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006] During the interview, we discussed how the claims differed from the cited references, namely Chen, Dunagan, and Harvey. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007] The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that clarification regarding application of a security, encryption, and compression policies distinguished various dependent claims over the currently cited art references. Further, the clarification regarding incorporating the routing policy into the body of the message seemed to distinguish claim 1 over Chen, Dunagan and Harvey. However, the Examiner indicated that he would need to review the cited art more carefully and perhaps do another search, and requested that the proposed amendments be presented in writing.

[0008] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me,

I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0011] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-2, 4, 9-15, 20, 24-28, 31, 33, and 35-38 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 102 and § 103

[0012] The Examiner rejects claims 1-4, 7, 9-15, 17-20, 24-28, 31, 33 and 35-38 under § 102. For the reasons set forth below, the Examiner has not shown that the cited references anticipate the rejected claims.

[0013] In addition, the Examiner rejects claims 7, 9-14, 21, 24, 31, 33 and 35-38 under § 103. For the reasons set forth below, the Examiner has not made a *prima facie* case showing that the rejected claims are obvious.

[0014] Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0015] The Examiner's rejections are based upon the following references alone and in combination:

- **Chen:** *Chen*, US Patent No. 6,392,997 (issued May 21, 2002);
- **Dunagan:** *Dunagan, et al.*, US Patent Publication No. 2005/0086469 (Published April 21, 2005); and
- **Harvey:** *Harvey, et al.*, US Patent Publication No. 2004/0054807 (Published March 18, 2004).

Overview of the Application

[0016] The Application describes content-based routing of messages in an overlay network. Routing nodes receive messages and return routing policies to the sending node based at least in part on content of the body of a message. The routing policies include instructions for redirecting similar messages to other nodes in the overlay network. The sending node determines which policies to apply to future messages. A sending node may then iterate through routing policies, modifying any address in a message according to instructions included in the routing policies so that the message is sent, e.g., directly to the intended or final destination. Accordingly, the sending node is able to bypass one or more intermediary nodes to reduce latency in the overlay network. (Application, Abstract)

Cited References

[0017] The Examiner cites Chen as the primary reference in the anticipation- and obviousness-based rejections. The Examiner cites Dunagan and Harvey as secondary references in the obviousness-based rejections.

Chen

[0018] Chen describes an improved group-based routing update technique that allows limited per neighbor customization of routing update messages generated by an interdomain router for its neighboring peer routers within autonomous systems of a computer network. The technique may be employed when the neighboring peer routers share identical routing policies, but the routing update messages differ only in certain attributes with known locations and lengths. Before each message is transmitted, the proper location and length attributes of the message are updated with the stored values for the respective neighbor. (Chen, Abstract)

Dunagan

[0019] Dunagan describes a scalable, fault-tolerant, federated event notification method, wherein clients express interest in a topic by subscribing. Event notifications are published and delivered to all current topic-subscribers. Event notifications are disseminated by a multicast tree that does not require participation by unwilling nodes. The multicast tree is constructed so that nodes

belonging to the organization owning the tree do not rely on nodes outside the organization to forward message traffic. (Dunagan, Abstract)

Harvey

[0020] Harvey describes using skip nets to build and maintain overlay networks for peer-to-peer systems. A skip net is a distributed data structure that can be used to avoid some of the disadvantages of distributed hash tables by organizing data by key ordering. Skip nets can use logarithmic state per node and probabilistically support searches, insertions and deletions in logarithmic time. (Harvey, Abstract)

Anticipation Rejections

[0021] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Based upon Chen or Dunagan

[0022] The Examiner rejects claims 1-4, 7, 9-15, 17-20, 24-28, 31, 33 and 35-38 under 35 U.S.C. § 102(b) as being anticipated by Chen, and claims 1-4, 15, 17-19, and 25-28 under 35 U.S.C. § 102(e) by Dunagan. The Applicant respectfully traverses this rejection. Based on the reasons given below, the Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0023] Applicant submits that neither Chen nor Dunagan, taken individually, anticipates this claim because neither reference discloses at least the following as recited in this claim (as amended and with emphasis added):

- "incorporating the routing policy **into the body of the message** and forwarding the message to the final destination in the overlay network."

[0024] The Examiner does not cite to any portion of either Chen or Dunagan as to "incorporating the routing policy into the body of the message" as newly added to claim 1. Support for this amendment is found at least at paragraph [0056] of the Application.

[0025] Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of this claim, neither of these references anticipate this claim and this claim is allowable over these references. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2, 4, and 9-14

[0026] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0027] For example, claim 2, as amended, recites the following newly added elements or features which are not disclosed in either Chen or Dunagan:

- "determining from the message **if the sending node does not have routing policy instructions derived from the body of the message** after the message is passed to the application level of the routing node; and
- "generating the routing policy based on the modified address and **returning the routing policy to the sending node if it is determined that the sending node does not have routing policy instructions derived from the body of the message.**"

[0028] The Examiner does not cite to any portion of either Chen or Dunagan to reject claim 2 as to these newly added elements or features. These amendments are supported in the Specification at least at paragraphs [0005] and [0057]. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 2, as amended, neither of these references anticipate this claim and this claim is allowable over these references on this additional basis.

[0029] Claim 4 recites a “compression policy” that is “applied to the message.” This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0040]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of a compression policy or applying compression. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 4, as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0030] Claim 9 recites a “security policy” that is “applied . . . to the message.” This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of a security policy to a message delivered to a node in a network. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 9, as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0031] Claim 13 recites a “transport policy” that is applied “to the message.” This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of a transport policy to a message delivered to a node in a network. Consequently, since neither Chen or

Dunagan, taken individually, discloses all of the elements and features of claim 13, as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0032] Claim 14 recites an "encryption policy" that is applied to the message "before issuing the message directly to the final destination node" in a network. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraphs [0040] and [0071]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of an encryption policy to a message. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 14, as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0033] The Applicant respectfully asks the Examiner to withdraw the rejection of each dependent claim where its base claim is allowed or to withdraw the rejection of each dependent claim for at least the reasons stated herein.

Independent Claim 15

[0034] Applicant submits that neither Chen nor Dunagan, taken individually, anticipates this claim because neither reference discloses at least the following as recited in this claim (as amended and with emphasis added):

- "a message processor at the routing node, the message processor generating a routing policy for a sending node of the message and **incorporating the routing policy into the body of the message"**

[0035] The Examiner does not cite to any portion of either Chen or Dunagan as to "incorporating the routing policy into the body of the message" as newly added to claim 15. Support for this amendment is found at least at paragraph [0056] of the Application.

[0036] Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of this claim, neither of these references anticipate this claim and this claim is allowable over these references. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim on at least this basis.

Dependent Claims 17-19

[0037] These claims ultimately depend upon independent claim 15. As discussed above, claim 15 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 20

[0038] Applicant submits that Chen, taken individually, anticipates this claim because neither reference discloses at least the following as recited in this claim (as amended and with emphasis added):

- “a messaging module . . . configured to **incorporate the routing policy into the body of the message”**

[0039] The Examiner does not cite to any portion of Chen as to “incorporating the routing policy into the body of the message” as newly added to claim 20. Support for this amendment is found at least at paragraph [0056] of the Application.

[0040] Consequently, since Chen does not disclose all of the elements and features of this claim, Chen does not anticipate this claim and this claim is allowable over this reference. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim on at least this basis.

Dependent Claim 24

[0041] This claim ultimately depends upon independent claim 20. As discussed above, claim 20 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

[0042] For example, claim 24, as amended, recites the following newly added elements or features which are not disclosed in Chen:

- "wherein the messaging module is further configured to **determine from the message if the sending node does not have routing policy instructions derived from the body of the message**, and wherein the policy manager is configured to return the routing policy to the sending node **if it is determined that the sending node does not have routing policy instructions** derived from the message."

[0043] The Examiner does not cite to any portion of Chen to reject claim 24 as to these newly added elements or features. These amendments are supported in the Specification at least at paragraphs [0005] and [0057]. Consequently, since Chen does not disclose all of the elements and features of claim 24, as amended, this reference does not anticipate this claim and this claim is allowable over Chen on this additional basis.

Independent Claim 25

[0044] Applicant submits that neither Chen nor Dunagan, taken individually, anticipates this claim because neither reference discloses at least the following as recited in this claim (as amended and with emphasis added):

- "**generating a routing policy** for a sending node of the message, wherein the routing policy comprises instructions for redirecting messages based at least in part on content of the body of the message,

and incorporating the routing policy into the body of the message.”

[0045] The Examiner does not cite to any portion of either Chen or Dunagan as to “incorporating the routing policy into the body of the message” as newly added to claim 25. Support for this amendment is found at least at paragraph [0056] of the Application.

[0046] Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of this claim, neither of these references anticipate this claim and this claim is allowable over these references. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 26-28

[0047] These claims ultimately depend upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0048] For example, claim 26, as amended, recites the following newly added elements or features which are not disclosed in either Chen or Dunagan:

- “applying a **compression policy** to the message prior to returning the routing policy to the sending node.”

[0049] Claim 26 recites a “compression policy” that is applied to the message. This element or feature is newly added and has not been previously

considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0040]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of a compression policy or applying compression. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 26 as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0050] Claim 27, as amended, recites the following newly added elements or features which are not disclosed in either Chen or Dunagan:

- "determining from the message **if the sending node does not have routing policy instructions derived from the body of the message** after the message is passed to the application level of the routing node; and
- "generating the routing policy based on the modified address and **returning the routing policy to the sending node if it is determined that the sending node does not have routing policy instructions derived from the body of the message.**"

[0051] The Examiner does not cite to any portion of either Chen or Dunagan to reject claim 27 as to these newly added elements or features. These amendments are supported in the Specification at least at paragraphs [0005] and [0057]. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 27, as amended, neither of

these references anticipate this claim and this claim is allowable over these references on this additional basis.

[0052] Claim 28 recites an “encryption policy” that is applied to the message “before issuing the message directly to the final destination node” in a network. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraphs [0040] and [0071]. The Applicant asserts that neither reference, Chen or Dunagan, taken singly, discloses the application of an encryption policy to a message. Consequently, since neither Chen or Dunagan, taken individually, discloses all of the elements and features of claim 28, as amended, neither of these references anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0053] The Applicant respectfully asks the Examiner to withdraw the rejection of each dependent claim where its base claim is allowed or to withdraw the rejection of each dependent claim for at least the reasons stated herein.

Independent Claim 31

[0054] Applicant submits that Chen does not anticipate this claim because this reference fails to disclose at least the following as recited in this claim (as amended and with emphasis added):

- “**identifying at least one routing policy for a message . . .**
wherein the routing policy comprises instructions for redirecting messages based . . . on content of the body of the message . . .
- “**incorporating the routing policy into the body of the message . . .”**

[0055] The Examiner does not cite to any portion of Chen as to “incorporating the routing policy into the body of the message” as newly added to claim 31. Support for this amendment is found at least at paragraph [0056] of the Application.

[0056] Consequently, since Chen fails to disclose each and every element and feature of this claim, Chen fails to anticipate this claim and this claim is allowable over Chen. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 33, 35-38

[0057] These claims ultimately depend upon independent claim 31. As discussed above, claim 31 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0058] For example, claim 33, as amended, recites the following newly added elements or features which are not disclosed in Chen:

- "determining from the message **if the sending node does not have routing policy instructions derived from the body of the message** . . . and
- "**returning the routing policy to the sending node if it is determined that the sending node does not have routing policy instructions derived from the body of the message.**"

[0059] The Examiner does not cite to any portion of Chen to reject claim 33 as to these newly added elements or features. These amendments are supported in the Specification at least at paragraphs [0005] and [0057]. Consequently, since Chen fails to disclose all of the elements and features of claim 33, as amended, Chen fails to anticipate this claim and this claim is allowable over these references on this additional basis.

[0060] Claim 35 recites an "encryption policy" that is applied to the message "before sending the at least one routing policy to a sending node" in an overlay network. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraphs [0040] and [0071]. The Applicant asserts that Chen fails to disclose the application of an encryption policy to a message. Consequently, since Chen fails to disclose all of the elements and features of claim 35, as amended, Chen fails to anticipate this claim. Accordingly, this claim is allowable over Chen on this additional basis.

[0061] Claim 36, as amended, recites "applying a **compression policy** to the message. A compression policy is newly added to this claim and is not

disclosed in Chen. Further, this element or feature has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0040]. The Applicant asserts that Chen fails to disclose the application of a compression policy or applying compression in any fashion. Consequently, since Chen fails to disclose all of the elements and features of claim 36 as amended, this reference fails to anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0062] Claim 37 recites "applying a transport policy to the message." This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that Chen fails to disclose the application of a transport policy to a message delivered to a node in a network. Consequently, since Chen fails to disclose all of the elements and features of claim 37, as amended, Chen fails to anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0063] Claim 38 recites "applying a security policy to the message." This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that Chen fails to disclose the application of a security policy to a message delivered to a node in a network. Consequently, since Chen fails to disclose all of the elements and features of claim 38, as amended, Chen fails to anticipate this claim. Accordingly, this claim is allowable over these references on this additional basis.

[0064] The Applicant respectfully asks the Examiner to withdraw the rejection of each dependent claim where its base claim is allowed or to withdraw the rejection of each dependent claim for at least the reasons stated herein.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0065] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case have not been met.

Based upon Dunagan and Harvey

[0066] The Examiner rejects claims 9-14, 24, 31, 33 and 35-38 under 35 U.S.C. § 103(a) as being unpatentable over Dunagan in view of Harvey. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Claims 9-14

[0067] These claims depend from independent claim 1. The Applicant submits that combination of Dunagan and Harvey does not teach or suggest at

least the following elements as recited in claim 1 (as amended and with emphasis added):

- **“incorporating the routing policy into the body of the message and forwarding the message to another the final destination node in the overlay network.”**

[0068] The Examiner does not cite to any portion of Dunagan or Harvey as to “incorporating the routing policy into the body of the message.” This element or feature is newly added to claim 1 and has not been previously considered by the Examiner. Support for this amendment is found at least at paragraph [0056] of the Application.

[0069] The Applicant asserts that neither Dunagan nor Harvey discloses, teaches or suggests incorporating a routing policy into the body of the message and forwarding the message to a “destination node.” Since these references, either alone or in combination, do not disclose, teach or suggest each and every element or feature of this claim, this combination of references does not make claim 1, as amended, obvious. Consequently, the Applicant asks the Examiner to withdraw the rejection of each claim that is dependent from claim 1, as amended, on at the basis presented herein in support of claim 1.

[0070] It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Further, some or all of claims 9-14 may also be allowable for additional independent reasons.

[0071] For example, claim 9 recites a “security policy” that is “applied . . . to the message.” This element or feature is newly added and has not been

previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that neither reference, Dunagan or Harvey, either alone or in combination, discloses, teaches or suggests the application of a security policy to a message delivered to a node in a network. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 9, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

[0072] Claim 13 recites a “transport policy” that is applied “to the message.” This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that neither reference, Dunagan or Harvey, either alone or in combination, discloses, teaches or suggests the application of a transport policy to a message delivered to a node in a network. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 13, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

[0073] Claim 14 recites an “encryption policy” that is applied to the message “before issuing the message directly to the final destination node” in a network. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraphs [0040] and [0071]. The Applicant asserts that neither

reference, Dunagan or Harvey, either alone or in combination, discloses, teaches or suggests the application of an encryption policy to a message delivered to a node in a network.

[0074] Dunagan fails to disclose or suggest the use of encryption. Further, the only mention of encryption in Harvey is in paragraph [0142] wherein it states that even "when encrypted and digitally signed, data stored on an arbitrary overlay node outside the organization is susceptible to denial of service (DoS) attacks as well as traffic analysis." Thus, in Harvey, there is no teaching or suggestion of the application of an encryption policy to a message. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 14, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

Claim 24

[0075] Claim 24 depends from independent claim 20. The Applicant submits that combination of Dunagan and Harvey does not teach or suggest at least the following elements as recited in claim 20 (as amended and with emphasis added):

- "wherein the messaging module is configured to **incorporate the routing policy into the body of the message.**"

[0076] The Examiner does not cite to any portion of Dunagan or Harvey as to "incorporating the routing policy into the body of the message." This element or feature is newly added to claim 20 and has not been previously considered by the Examiner. Support for this amendment is found at least at paragraph [0056] of the Application.

[0077] The Applicant asserts that neither Dunagan nor Harvey discloses, teaches or suggests incorporating a routing policy into the body of the message and forwarding the message to a "destination node." Since these references, either alone or in combination, do not disclose, teach or suggest each and every element or feature of this claim, this combination of references does not make claim 20, as amended, obvious. Consequently, the Applicant asks the Examiner to withdraw the rejection of claim 24 since claim 24 is dependent from claim 20, as amended, on at the basis presented herein. Claim 24 may also be allowable for additional independent reasons.

Claims 31, 33, and 35-38

[0078] The Applicant submits that combination of Dunagan and Harvey does not teach or suggest at least the following elements as recited in claim 31 (as amended and with emphasis added):

- **"incorporating the routing policy into the body of the message and issuing the message in the overlay network directly to the final destination node."**

[0079] The Examiner does not cite to any portion of Dunagan or Harvey as to "incorporating the routing policy into the body of the message." This element or feature is newly added to claim 31 and has not been previously considered by the Examiner. Support for this amendment is found at least at paragraph [0056] of the Application.

[0080] The Applicant asserts that neither Dunagan nor Harvey discloses, teaches or suggests incorporating a routing policy into the body of the message and forwarding the message to a "final destination node." Since these references, either alone or in combination, do not disclose, teach or suggest each and every element or feature of this claim, this combination of references does not make claim 31, as amended, obvious. Consequently, the Applicant asks the Examiner to withdraw the rejection of claim 31 and each claim that is dependent from claim 31, as amended, for at least the reasons presented herein.

[0081] It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Further, some or all of claims 33, and 35-38 may also be allowable for additional independent reasons.

[0082] For example, Claim 35 recites application of an "encryption policy" to the message "before sending the at least one routing policy of a sending node" in a network. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraphs [0040] and [0071]. The Applicant asserts that neither reference, Dunagan or Harvey, either alone or in combination,

discloses, teaches or suggests the application of an encryption policy to a message delivered to a node in a network.

[0083] Dunagan fails to disclose or suggest the use of encryption. Further, the only mention of encryption in Harvey is in paragraph [0142] wherein it states that even “when encrypted and digitally signed, data stored on an arbitrary overlay node outside the organization is susceptible to denial of service (DoS) attacks as well as traffic analysis.” Thus, in Harvey, there is no teaching or suggestion of the application of an encryption policy to a message. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 35, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

[0084] Claim 36 recites “applying a compression policy to the message.” This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0040]. The Applicant asserts that neither reference, Dunagan or Harvey, either alone or in combination, discloses, teaches or suggests the application of a compression policy to a message as recited in this claim. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 36, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

[0085] Claim 38 recites “applying a security policy” to the message. This element or feature is newly added and has not been previously considered by the Examiner. This amendment is supported in the Specification at least at paragraph [0036]. The Applicant asserts that neither reference, Dunagan or Harvey, either alone or in combination, discloses, teaches or suggests the application of a security policy to a message delivered to a node in a network. Consequently, since this combination of references fails to disclose, teach or suggest each and every element and feature of claim 38, as amended, this combination of references fails to make this claim obvious. Accordingly, this claim is allowable over the combination of these references on this additional basis.

Dependent Claims

[0086] If not addressed individually above, in addition to its own merits, each dependent claim is allowable for at least the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0087] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Attorneys for Applicant

/JOHN CHANDLER MELINE/

Dated: 2008-09-12

John Meline (johnm@leehayes.com ; x257)
Registration No. 58,280

Assistant: Megan Arnold (megan@leehayes.com; x270)
Customer No. **22801**

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com